



U.S. Patent &amp; TMOfc/TM Mail Rcpt Dt. #22

**THE TRADEMARK TRIAL AND  
APPEAL BOARD**

Trademark Application No. 87112109  
COPY AND DESIGN

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**APPLICANT'S MOTION FOR LEAVE TO AMEND COUNTERCLAIM**

## CERTIFICATE OF MAILING

**MARIE-ANNE MASTROVITO**

**Signature**

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Through discovery the Applicant has obtained evidence of Applicant's failure to prosecute third parties using marks which are identical to that of Opposer on closely related services. The Applicant therefore believes that it is appropriate to add a claim of abandonment to its counterclaim. A copy of the Applicant's Amended Counterclaim incorporating the proposed change is attached.

The Applicant submits that the amendment of the pleading is necessary to allow the consideration of all claims in a single proceeding.

Moreover, the Applicant submits that neither party will be prejudiced by this amendment because the discovery period may be reopened as to this issue.

Wherefore, the Applicant requests that the Board grant the Applicant leave to amend the counterclaim and enter the amended counterclaim which is attached hereto into the record.

Respectfully submitted,

  
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Date: July 9, 2002

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing **APPLICANT'S MOTION FOR  
LEAVE TO AMEND COUNTERCLAIM** was served by first class mail, postage prepaid, this  
9th day of July, 2002 upon Opposer:

Curtis L. Griggs  
Managing Director  
AO.COM, LLC  
P.O. Box 2224  
Sedona, Arizona 86339

  
**MARIE-ANNE MASTROVITO**